

REMARKS

Claims 1-16 are pending in this application. Claims 1, 15 and 16 have been amended.

Reconsideration and allowance of the claims are requested in view of the claims amendment and the following remarks.

CLAIM OBJECTIONS

Claims 15 and 16 are objected for containing informalities. Applicants have amended claims 15 and 16 so that the claims are now proper dependent claims. Withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-6 are rejected under §103(a) as being unpatentable over Khullar et al. (USP 6,871,066) in view of Malladi et al. (US 2003/0210668). Applicants traverse this rejection.

The Examiner alleges that Khullar et al. teaches all the features of claim 1, except that Khullar et al. fails to teach determining “an indicator of link imbalance” among a plurality of base stations. The Examiner further alleges that Malladi et al. teaches “an indicator of link imbalance” among a plurality of base stations, and therefore, it would have been obvious to combine the teachings of Khuller et al. with Malladi et al.

Without acquiescing to the Examiner’s allegations with respect to Khuller et al., Applicants submit that the “link imbalance” taught in Malladi et al. is not the same “link imbalance” recited in claim 1. For clarification purposes, Applicants have amended claim 1. Applicants have amended claim 1 to recite that “the indicator of link imbalance indicates a strong forward link with respect to a first base station of the plurality of base stations and a

strong reverse link with respect to a second base station of the plurality of base stations.” Support for the amendment may be found on paragraph [00050 of the present application. On the other hand, Malladi et al. teaches that “link imbalance” means that during an uplink packet data transmission the best link may not be the serving link. Paragraphs [0007 and 0010]. Malladi et al. does not suggest or teach the quality of the downlink.

Accordingly, even if the teachings of Khuller et al. and Malladi et al. can be combined, the combination would still fail to teach or suggest all the limitations recited in claim 1.

For at least the reasons given, Applicants submit that claim 1 is patentable over the Examiner’s cited references. Dependent claims 2-6 are also patentable for depending on an allowable base claim.

Claims 7, 8, 10 and 12 are rejected under §103(a) as being unpatentable over Khullar et al. in view of Malladi et al. in further view of Saito (US 2002/0086709). Applicants traverse this rejection.

As remarked above, independent claim 1 is patentable over a combination of Khuller et al. and Malladi et al. In addition, Saito fails to cure the deficiency of Khuller et al. and Malladi et al. Accordingly, dependent claims 7, 8, 10 and 12 are also patentable for depending on an allowable base claim.

Claims 9, 11 and 13 are rejected under §103(a) as being unpatentable over Khullar et al. in view of Malladi et al. in further view of Tiedemann et al. (US 2004/0258024). Applicants traverse this rejection.

As remarked above, independent claim 1 is patentable over a combination of Khuller et al. and Malladi et al. In addition, Tiedemann et al. fails to cure the deficiency of Khuller et al.

and Malladi et al. Accordingly, dependent claims 9, 11 and 13 are also patentable for depending on an allowable base claim.

Claims 14-16 are rejected under §103(a) as being unpatentable over Khullar et al. in view of Malladi et al. in further view of Kikuma. (USP 7,035,670). Applicants traverse this rejection.

As remarked above, independent claim 1 is patentable over a combination of Khuller et al. and Malladi et al. In addition, Kikuma fails to cure the deficiency of Khuller et al. and Malladi et al. Accordingly, dependent claims 14-16 are also patentable for depending on an allowable base claim.

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CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

for



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